THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :18490 OF 2007

DATED:03-09-2007

BETWEEN:

Bassi Nyalsingh & another.

..... PETITIONERS

AND

The Joint Collector,
Nizamabad,
Nizamabad District & 7 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the order of the 2nd respondent in his proceedings Lr.No.A6/610/2007, dated 09-07-2007 (filed as Annexure P1), as illegal, arbitrary, and consequently to set aside the order of the 3rd respondent in his proceedings No.B/4648/2007, dated 17-07-2007 (Annexure P2).

3. It is the case of the petitioners that their father was having an extent of Ac.12.15 guntas in Sy.No.672 situated at Gandhari village and mandal, Nizamabad District out of which an extent of Ac.4.00 was alienated, and an extent of Ac.8.15 cents was retained. After his demise each of the petitioners got ½ of the said property i.e., an extent of
Ac.4.7 ½ guntas, and pattadar pass books and title deeds were also issued in favour of the petitioners. Whileso, on a representation submitted by the Tahsildar, Gandhari village, dated 17-07-2007, before the 2nd respondent-Revenue Divisional Officer, Kamareddy about the mutation of
Ac.4.7 ½ guntas in the name of each of the petitioners on the ground that the names of the unofficial respondents have been entered in 1B register and pahani for the year,
2000-2001, pattadar pass books issued in the name of the

petitioners herein are directed to be cancelled and the Tahsildar, Gandhari is instructed to incorporate necessary entries in ROR Form-1. It is stated that the Revenue Divisional Officer passed the said order, dated 09-07-2007, without issuing any notice and without giving any opportunity to the petitioners, however, against the said order, petitioners filed a Revision under Section 9 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 before the Collector, Nizamabad and the Revision Case No.D2/2615/2007 is pending on the file of the 1st respondent along with the said application. A perusal of the impugned order goes to show that the said order has been passed without issuing any notice and without giving any opportunity to the petitioners.

4. Having regard to the facts and circumstances, 1st respondent is directed to consider and dispose of the Revision Case No.D2/2615/2007 after hearing both the parties to the said Revision Case and after giving reasonable opportunity and pending disposal of the Revision Case, the order passed by the Revenue Divisional Officer in Lr.No.A6/610/2007, dated 09-07-2007, shall be kept in abeyance.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

03rd September, 2007.

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